



DAVID E. JANSSEN
Chief Administrative Officer

County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

Board of Supervisors
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Fifth District

May 31, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**APPROVE FUNDING AGREEMENT WITH
THE LOS ANGELES COUNTY MUSEUM OF NATURAL HISTORY FOUNDATION
AND RELATED APPROPRIATION ADJUSTMENT
(SECOND DISTRICT) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the attached appropriation adjustment to transfer \$112,000 from the FY 2004-05 Capital Project Budget to the Project and Facility Development Fund Budget.
2. Approve and instruct the Chief Administrative Officer to sign the attached Funding Agreement with the Los Angeles County Museum of Natural History Foundation (the Foundation) to transfer \$112,000 from the Project and Facility Development Fund to the Foundation to assist with planning activities related to the proposed improvements or replacement of the Natural History Museum facilities.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions will provide the Natural History Museum Foundation with funding to assist in planning activities related to improvement of existing museum facilities at Natural History Museum of Los Angeles County at Exposition Park (NHM).

The NHM has identified two high priority projects that require immediate attention. One is the construction of a permanent public access ramp and automatic doors that meet Americans with Disabilities Act (ADA) requirements for wheel chairs and infant strollers. Construction of the ADA access ramp project will enhance visitor access to the facility, which has had increasing attendance in recent years.

The Honorable Board of Supervisors
May 31, 2005
Page 2

The second priority project is the complete refurbishment of the museum's existing freight elevators to current State safety and operating standards. The motors operating these elevators are obsolete, and they do not possess safety hardware that meet current State safety requirements. These elevators are used daily by staff for transportation of large collection specimens and exhibit maintenance and present a life safety concern.

The Natural History Museum Foundation has offered to assist the County in completing these projects by hiring an architect familiar with historical building requirements to develop plans and specifications for these projects. The attached agreement will provide \$112,000 in funding to the Foundation for this work.

Implementation of Strategic Plan Goals

The recommended actions will support the County's Strategic Plan Goal of Fiscal Responsibility by supporting activities related to the investment in public infrastructure.

FISCAL IMPACT/FINANCING

Both projects are included in the FY 2004-05 Capital Project budget. Funding for both projects is from a combination of Second District capital project funds, a grant from the Asset Development Implementation Fund, and prior year net County cost.

The recommended funding agreement provides for the payment of \$112,000 to the Foundation. The attached appropriation adjustment will transfer the funds from the FY 2004-05 Capital Project Budget to the Project and Facility Development Fund Budget to properly account for and encumber the agreement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The agreement has been reviewed and approved as to form by County Counsel.

The agreement allows the Foundation to expend the funds for planning activities and other pre-construction costs, including but not limited to environmental assessments, feasibility studies, master planning, programming, architecture and design, project management, engineering and other design costs.

The Honorable Board of Supervisors
May 31, 2005
Page 3

ENVIRONMENTAL DOCUMENTATION

The recommended actions are exempt from the California Environmental Quality Act (CEQA). Any improvements or replacement of facilities that may be proposed as a result of the Foundation's planning activities will be required to undergo an environmental assessment pursuant to CEQA and the appropriate environmental document will be prepared and presented to your Board for approval prior to any construction activity.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended actions will have no impact on any other currently planned projects, but will assist the Foundation with planning activities to improve and/or replace the Museum.

CONCLUSION

Please return one conformed copy of this action to the Chief Administrative Office (Capital Projects Division) and the Auditor-Controller.

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer

DEJ:JSE
DJT:NB:mdc

Attachments (2)

c: County Counsel
Auditor-Controller
Natural History Museum Foundation

**FUNDING AGREEMENT FOR IMPROVEMENTS
TO THE LOS ANGELES COUNTY MUSEUM OF NATURAL HISTORY**

THIS AGREEMENT is made and entered into this ____ day of _____, 2005

BY

COUNTY OF LOS ANGELES,
a body corporate and politic,
hereinafter referred to as
"County",

AND

LOS ANGELES COUNTY MUSEUM
OF NATURAL HISTORY FOUNDATION,
a California non-profit public benefit
corporation hereinafter referred to as
"Foundation".

WITNESSETH:

WHEREAS, the County owns certain real property known as the Museum of Natural History of Los Angeles County (the "Museum");

WHEREAS, the Foundation assists the County to operate the Museum pursuant to an agreement between the County and the Foundation dated July 12, 1994;

WHEREAS, the Foundation and the County intend to enhance the operations and programming of the Museum through improvements to, and/or replacement of existing Museum facilities;

WHEREAS, THE County intends to provide a grant to the Foundation in the amount of \$112,000 to assist in planning and designing activities associated with improvements to and/or replacement of the Museum's existing facilities;

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein the parties hereto agree as follows:

A. Approved Funding and Costs

1. The County hereby grants to the Foundation the amount of \$112,000 to support the Foundation's planning activities for the improvement or replacement of existing Museum facilities.
2. County Funds may be used by the Foundation for payment of planning and other pre-construction soft costs, including, but not limited to, costs of appropriate

environmental assessments of the implementation of any improvements, feasibility studies, master planning and designing, programming, architecture and design, project management, engineering, or other design costs.

B. The Improvements

1. The mutual goal of the Foundation and the County is to enhance the operations and programming of the Museum of Natural History through improved facilities. The Foundation and the County shall endeavor to achieve a mutually approved plan of improvements to meet this goal.
2. Nothing in this Agreement shall be construed as an approval by the County of the implementation of the improvements regardless of the source of funding for such improvements. Any improvements funded pursuant to this Agreement are subject to the provisions and requirements of the California Environmental Quality Act. Any physical changes to County facilities that are funded pursuant to this Agreement are subject to approval by the County.

C. Agreement Term

This Agreement will remain in force for 1 year following its execution date.

D. Financial Records

1. The Foundation agrees to maintain satisfactory financial accounts, documents and records of the expenditure of County Funds and to make them available to the County for auditing at reasonable times. The Foundation also agrees to retain such financial accounts, documents and records for five (5) years following termination of this Agreement.
2. The Foundation agrees to use a generally accepted accounting system. The Foundation also agrees to maintain, and make available for County inspection, accurate records of all of its costs, disbursements and receipts with respect to its activities under this Agreement.
3. At any time during the term of this Agreement or at any time within five (5) years of the expiration or prior termination of this Agreement, authorized representatives of the County may conduct an audit of Foundation records for the purpose of verifying appropriateness and validity of expenditures of County Funds under the terms of this Agreement. If said audit reveals expenditures that cannot be verified or that were paid in violation of the terms of this Agreement, the County may request that the Foundation substitute other funds available to the Foundation, or if all County Funds have not yet been paid to the Foundation, the County may, in its discretion, reduce its County Funds obligation by an amount equal to these expenditures.

The Foundation, within thirty (30) days of notification from the County of its audit findings, any dispute the audit findings in writing to the County and provide the County with records and/or documentation to support the expenditure claims. The County shall review this documentation and make a final determination as to the validity of the expenditures.

The Foundation will provide the County Chief Administrative Office within one hundred twenty (120) days after the end of its fiscal year, a report itemizing actual expenditures funded by monies received pursuant to this Agreement.

E. Hold Harmless and Indemnification

1. The Foundation shall indemnify, defend and hold the County, its officers, and employees harmless from and against any and all liability to any third party for or from loss, damage or injury to persons or property in any manner arising out of, or incident to, the performance of this Agreement.
2. The County shall have no liability for any debts, liabilities, deficits, or cost overruns of the Foundation in the use of County funds paid to the Foundation pursuant to this Agreement.
3. The Foundation and the County agree that the liability of the County hereunder shall be limited to the payment of the County Funds pursuant to the terms and conditions of this Agreement. Any contracts entered into, or other obligations of liabilities incurred by the Foundation in connection with the Improvements or otherwise relating to this Agreement shall be the sole responsibility of the Foundation and the County shall have no obligation or liability whatsoever thereunder to with respect hereto, unless the County is a party to any such agreement. This Agreement does not otherwise alter or amend any other agreements or obligations between the County and the Foundation.

F. Notices and Approvals

All notices and approvals shall be directed to and made by the following representatives of the parties:

- a. To the County: Chief Administrative Office
Attn: Norman Braverman
Kenneth Hahn Hall of Administration, Room 754
500 West Temple Street
Los Angeles, CA 90012

b. To the Foundation: Museum of Natural History Foundation
Attn: Dr. Jane G. Pisano
President and Director
900 Exposition Park Blvd.
Los Angeles, CA 90007

G. Nondiscrimination

The Foundation shall not discriminate against any person on the basis or race, color, sex, sexual orientation, age, religious belief, national origin, marital status, physical or mental handicap, medical condition, or place of resident in the use of the County Funds paid to the Foundation pursuant to this Agreement.

H. Severability

If any provision of this Agreement, or the application thereof, is held to be invalid, that invalidity shall not affect other provisions or applications of the Agreement that can be given effect without the invalid provision or application, and to this end the provisions of the Agreement are severable.

I. Effective Date

The effective date of this Agreement shall be the date of approval by the County's Chief Administrative Officer.

IN WITNESS WHEREOF, the Foundation has executed this Funding Agreement, or caused it to be duly executed by its authorized representative, and the County of Los Angeles by order of its Board of Supervisors, has delegated to its Chief Administrative Officer the authority to execute this Agreement on its behalf on the date and year written below.

FOUNDATION
Los Angeles County Museum of
Natural History Foundation

By _____
Jane G. Pisano
Director and President

COUNTY
County of Los Angeles

By _____
David E. Janssen
Chief Administrative Officer

Date _____

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Principal Deputy County Counsel

COUNTY OF LOS ANGELES
REQUEST FOR APPROPRIATION ADJUSTMENT

DEPT'S.
No.

DEPARTMENT OF Chief Administrative Office

May 4, 2005 19

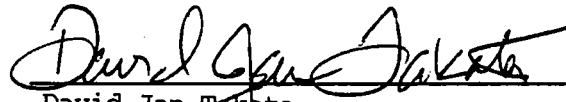
AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

Museum of Natural History
Fiscal Year 2004-05

See attached for justification.



David Jan Takata

Assistant Division Chief

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF
ADMINISTRATIVE OFFICER FOR—

ACTION

✓

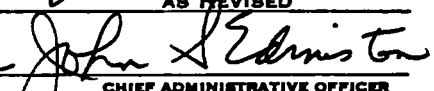
RECOMMENDATION

APPROVED AS REQUESTED

AS REVISED

5-19-05

19



CHIEF ADMINISTRATIVE OFFICER

AUDITOR-CONTROLLER

BY



22F

APPROVED (AS REVISED):
BOARD OF SUPERVISORS

19

REQUEST FOR APPROPRIATION ADJUSTMENT
MUSEUM OF NATURAL HISTORY
FISCAL YEAR 2004-05
(3 Votes)

SOURCES:

Fixed Assets - Buildings and Improvements
ADA Access
A01-CP-77376-6014 \$24,000

Fixed Assets - Buildings and Improvements
Rfurb-Freight Elevator
A01-CP-86717-6014 \$88,000

Total \$112,000

USES:

OTHER CHARGES
Project & Facility Development
A01-PF-10190-5500 \$112,000

\$112,000

Justification:

This appropriation adjustment reallocates appropriation from the ADA Access and Freight Elevator Capital Projects to the Project and Facility Development Budget to fund a transfer of \$112,000 to the Museum of Natural History Foundation for assistance in planning activities related to proposed improvements of existing museum facilities.

There is no affect on net County cost.


David Jan Takata
Assistant/Division Chief
Chief Administrative Office

(ELA LIBRARY MATERIALS BA)

BA Number 335 Date MAY 6, 2005

Heidi Fung 5/9/05